

THE HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION No.25561 of 2007

-
DATE: 04.12.2007

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Between:

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E. Tirumala Devi

... Petitioner

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AND

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The Joint Collector,
Anantapur, Anantapur District,
& another.

... Respondents

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THE HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION No.25561 of 2007

ORDER:-

Learned Assistant Government Pleader for Civil Supplies had taken notice on 20.11.2007 and requested time to get instructions.

Sri Nasaraiah Golla, learned counsel representing respondent No.2 would maintain that respondent No.2 had preferred an appeal before the Joint Collector, Anantapur, 1st respondent, against the orders of the Revenue Divisional Officer, Anantapur in restoring the fair price shop authorization held by the writ petitioner and the learned Joint Collector was pleased to grant stay vide proceedings Rc.K4/ATP/637/07 dated 23.11.2007. It is no doubt stated that without considering the other objections and without taking into consideration the other cases pending, such order was made and aggrieved by the same, the 2nd respondent preferred the appeal before the 1st respondent, who was left with no other option except to make such an order.

The impugned order dated 23.11.2007 reads as hereunder:

“Upon perusing the grounds of appeal, and orders of the Revenue Divisional Officer, Anantapur, the appeal is taking on the file and stay is granted on the operation of orders of the Revenue Divisional Officer, Anantapur. The Revenue Divisional Officer, Anantapur is requested to send the record of his office pertaining to this case

urgently.”

The main grievance of the writ petitioner is that without putting him on notice, order of stay had been granted while taking the appeal on file and the same is not sustainable.

Learned Assistant Government Pleader for Civil Supplies would submit that it is true that before passing the interim order no notice had been served.

The writ petition is filed for a writ of mandamus declaring the orders of the 1st respondent dated 23.11.2007 in Appeal No.Rc.K4/ATP/637/07 as illegal, arbitrary and contrary to the principles of natural justice and violation of the Control Orders and consequently set aside the same.

Several facts had been narrated in the affidavit filed in support of the writ petition and these factual controversies need not detain this Court no longer for the reason that it is not in dispute that the 1st respondent – appellate authority granted stay of operation of the order of the Revenue Divisional Officer, Anantapur, without putting the aggrieved party on notice.

In the light of the above, let the 1st respondent – Joint Collector, Anantapur, dispose of the matter within a period of four weeks from the date of receipt of a copy of this order. Till then, the order of stay granted by the 1st respondent be suspended.

The writ petition is disposed of accordingly. No order as to costs.

P.S. NARAYANA, J

Date: 04.12.2007

Note:- Issue C.C. by tomorrow.
B/o.

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